## REMARKS

### I.   Introduction

In response to the Office Action dated July 11, 2006, claims 4, 14, 18, 28, 32, 42, and 55-60 have been cancelled, claims 1, 11, 15, 25, 29, and 39 have been amended, and 61-66 have been added. Claims 1, 3, 5-11, 13, 15, 17, 19-25, 27, 29, 31, 41, 43, 45, 47, 49, 51, 53, and 61-66 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

### II.   Prior Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 1, 3-11, 13-15, 17-25, 27-29, 31-39, 41-43, 45, 47, 49, 51, 53 and 55-60 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Aravamudan et al., U.S. Patent 6,301,609 (Aravamudan) and Sakai et al., U.S. Patent Publication 2002/0177438 (Sakai).

Specifically, claim 1 was rejected as follows:

> As to claim 1 Aravamudan et al teaches a method for enabling cellular instant messaging comprising (fig. 1):
> receiving in a cellular network, a telemetry message from first cellular phone wherein the telemetry message a remote feature activation message and indicates the availability on a cellular network of the first cellular phone and wherein the remote feature activation message is interpreted by the cellular network (receiving notification of the user's presence online) (col. 10, lines 2-10);
> in response to receiving the telemetry message, storing information regarding the first cellular phone in an instant messaging database, wherein the information comprises a buddy list (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65); and transmitting a browser alert to one or more relevant buddies identified in the buddy list (col. 7, lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan et al teaches the CPE device that a user is utilizing a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan et al does not teach as a roaming cellular phone desiring to activate/deactivate a feature.
> In an analogous art, SAKAI et al teaches as a roaming cellular phone desiring to activate/deactivate a feature (para. # 0008, figs. 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aravamudan et al by specifically adding roaming feature in order to enhance system performance, communication-

service providers require communication service terminals to activate or deactivate of a specific service while roaming as taught by SAKAI et al.

Applicant traverses the above rejections for one or more of the following reasons: Applicant traverses the above rejections for one or more of the following reasons:

(1)     Neither Aravamudan nor Sakai teach, disclose or suggest using a remote feature activation message to initiate or utilize an instant messaging system, or as part of an instant messaging system;

(2)     Neither Aravamudan nor Sakai teach, disclose or suggest a remote feature activation message sent by a cellular phone that is interpreted by a cellular network as a roaming phone desiring to activate/deactivate a feature, which is used to store information utilized in an instant messaging application; and

(3)     Neither Aravamudan nor Sakai teach, disclose or suggest a remote feature activation message that indicates that a cellular phone has been powered on.

Independent claims 1, 11, 15, 25, 29, and 39 are generally directed to an invention that enables cellular phone instant messaging. The amended independent claims provide for a telemetry message that is in the form of a remote feature activation message. In addition, the telemetry message comprises an indication that the cellular phone has been powered on. The remote feature activation message is transmitted from the cellular phone to a foreign cellular network.

As amended, the claims provide for a specific set of steps wherein the telemetry message is transmitted from the cellular phone to a foreign cellular network to a home cellular network. Further, remote feature activation messages are specific types of messages as described in the application on page 8, line 10-page 9, line 4. The specific types/forms of remote feature activation messages are also specifically claimed limitations for the independent claims. In this regard, the remote feature activation message is interpreted by the foreign cellular network as a roaming cellular phone desiring to activate/deactivate a feature. As a result, the foreign cellular network forwards the message to the phone's home cellular network. Further, instead of activating/deactivating a feature, the message is used to store information (e.g., a buddy list) regarding the cellular phone in an instant messaging database transmitting a browser alert to buddies in the buddy list. Thus, the cellular network enables the instant messaging by interpreting the telemetry message as a remote feature

activation message. In this regard, rather than using the telemetry message to activate a feature, the message is used for an entirely different purpose – merely to indicate availability on a network.

In addition, new dependent claims 61-66 provide for utilizing a second telemetry message that comprises the standard registration message that a cellular phone forwards to a foreign cellular network prior to being able to place or make any phone calls.

Additional dependent claims set forth limitations regarding the telemetry message including that the message may be data encoded in a dialed digits field of a message. As described in the specification, such a message may be in the form of a fictitious area code preceded by the star character (*). The message is interpreted by the cellular network as identifying a roaming cellular phone that desires to activate/deactivate a feature (e.g., call forwarding, call waiting, etc.). Accordingly, the message is transmitted to the cellular phone's home cellular network. The home cellular network interprets the message as being available on a cellular network for purposes of instant messaging. Thus, the remote feature activation message for use in instant messaging is handled by the foreign cellular network similar to standard remote feature activation messages. Yet the remote feature activation of the present invention enables cellular instant messaging.

In view of the above, Applicants note that a significant advantage of the present invention that is set forth in the claims is the use of the remote feature activation message to enable the cellular instant messaging. In this regard, in response to the receipt of the remote feature activation message (as part of the telemetry message), information for instant messaging is stored in a database and used to transmit information to buddies in a instant messaging buddy list. The unique ability to use remote feature activation messages to enable instant messaging is not even remotely disclosed in any of the cited references.

Aravamudan merely describes a unified messaging solution and services platform that utilizes the features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices, modes, and channels. A user proxy is registered to the user as a personal communication services platform. The user is able to define various rules for responding to received data and communications, the rules stored within a rules database servicing the communication services platform. Instant messaging is used for communications between the user and the communication services platform's user proxy (see Abstract).

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However, as admitted in the Office Action, Aravamudan fails to teach the interpretation of the remote feature activation message as a roaming cellular phone desiring to activate/deactivate a feature. To teach this aspect of the prior dependent claims, the Office Action relies on Sakai. Specifically, the Office Action submits that Sakai teaches a roaming cellular phone desiring to activate/deactivate a feature (paragraph 0008, figs. 1-11). Paragraph 0008 provides:

> [0008] In the mobile-communication system as shown in FIG. 10, the communication-service terminals 83 and 84 are allowed to roam between the two communication-service-provider networks. When the communication-service terminal 84 currently positioned in the area of the communication-service provider A (area of the wireless base station 80) needs to register use or cancellation of services such as a call-transfer service, a voice-mail service, and a call-waiting service, the communication-service terminal 84 dials a code (number) that is specified by the communication-service provider A. In detail, for example, a code "1421" is dialed when requesting registration for adding a call-transfer service, and a code "1420" is dialed when requesting registration for canceling a call-transfer service. When the wireless base station 80 receives a code, the switch 85 analyzes the code so as to identify a request. Then, subscriber data of the communication-service terminal 84 is registered to add or cancel a call-transfer service.

Such a teaching merely describes the activation of a service in a mobile communication system. The remainder of Sakai describes the how codes are stored in the cellular phone that translate service codes from different networks. Accordingly, the correct code will always be utilized by the cellular phone. Notoriously absent from such a teaching is any indication as part of such a message that a phone has merely been powered on.

Again, the claims provide for a unique and novel method for enabling the instant messaging system without changing how a foreign cellular network treats a message. Instead, legacy phone networks enable the instant messaging since the telemetry message received by the foreign network is treated as a remote feature activation message.

In addition, Applicants note that it is the combination of the elements of the invention that contribute to the unique and nonobvious nature of the invention. In this regard, none of the cited prior art has even remotely considered using a remote feature activation message to act in a manner out of the standard use. More specifically, none of the cited prior art has described, considered, or suggested the use of a remote feature activation message that is used so that the message is forwarded to a home cellular network where it is interpreted and used to enable instant messaging. In this regard, the Office Action is combining the two references without any consideration of why or how the services would work together.

The motivation provided in the Office Action is to add a roaming feature to enhance system performance. Even if such a motivation is used, the result of the combination would not be the present invention. Instead, the result would be the instant messaging of Aravamudan wherein a cellular phone can separately use or cancel various services. However, there is not even a remote hint that Sakai's registration for use or cancellation of services would include the transmission of a power on indicator or that it would be used to enable an instant messaging application.

Again, the present invention includes the power-on indicator as part of the telemetry message/remote feature activation message. Such an inclusion of such information is not remotely considered, suggested, or taught, explicitly or implicitly, in any of the cited references.

Of additional and of particular note is that the dependent claims provide for sending an additional second message for the registration of the cellular phone on a foreign network. Thus, two separate messages are sent. Sakai completely fails to describe any such use of multiple messages. Further, the use of such a dependent claim illustrates that the power on message is not the standard message that is transmitted but is part of the instant messaging system that is enabled by the invention. Thus, such dependent claims further differentiate the present invention from the cited references.

Thus, Applicant submits that independent claims 1, 11, 15, 25, 29 and 39 are allowable over Aravamudan and Sakai. Further, the dependent claims are submitted to be allowable over Aravamudan and Sakai in the same manner, because they are dependent on independent 1, 11, 15, 25, 29 and 39, respectively, and thus contain all the limitations of the independent claims. In addition, the dependent claims recite additional novel elements not shown by Aravamudan and Sakai.

III.    Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited.  Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date:  October 11, 2006

By:/Jason S. Feldmar/
Name:  Jason S. Feldmar
        Reg. No.:  39,187

JSF/

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